

## CHAPTER 18.31

### Residential Neighborhood Design Standards

#### 18.31.010 Intent.

The intent of this Chapter is to implement the City of Evans Comprehensive Plan and promote the health, safety and general welfare of its residents through thoughtful neighborhood design that discourages crime and encourages pedestrian activity and livability. (Ord. 346-05; Ord. 244-03; Ord. 160-02)

#### 18.31.020 Applicability.

These residential neighborhood design standards shall apply to all residential subdivisions created after the effective date of the ordinance enacting this Chapter, including minor replats and residential planned unit development, unless otherwise stated herein. (Ord. 346-05; Ord. 244-03; Ord. 160-02)

#### 18.31.030 Definitions.

*Character* shall mean those attributes, qualities and features that make up, distinguish a development project, and give such project a sense of purpose, function, definition and uniqueness.

*Commercial-grade equipment* shall mean playground and/or picnic/barbeque equipment used and intended for installation in high-use areas or public settings, such as parks or other recreational facilities.

*Compatible* or *compatibility* shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. *Compatibility* does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

*Connectivity* shall mean the ability to be linked between areas, through vehicular and pedestrian transportation systems, including adjacent and proposed residential neighborhoods and schools, parks, trails, shopping and employment areas.

*Crusher fines* shall mean crushed granite or other similar types of crushed rock, used for the surface of trails.

*Multi-modal trail* shall mean a trail intended for use by different types or modes of transportation, such as pedestrians, bicyclists and/or equestrians.

*Pedestrian plaza* shall mean an open space that may be improved, landscaped or paved usually surrounded by buildings or streets and available for pedestrian use.

*Pocket park* shall mean a privately owned and maintained park providing passive recreational opportunities. (Ord. 346-05; Ord. 244-03; Ord. 160-02)

#### **18.31.040 Homeowners' Associations.**

Homeowners' Associations shall be created and maintained pursuant to Title 38, Article 33.3, C.R.S., Colorado Common Interest Ownership Act, as amended. Prior to selling any lots or obtaining any building permits, the developer shall deliver to the City a copy of the recorded declaration of covenants, rules and restrictions, and copies of the articles and bylaws creating the nonprofit association and filed with the Colorado Secretary of State. (Ord. 346-05)

#### **18.31.050 Minimum subdivision design standards.**

Subdivisions shall be designed to include the following requirements:

A. Perimeter open space. No single-family or two-family lot shall directly abut any arterial or major collector right-of-way. Such lots shall be separated from such right-of-way by an outlot at least twenty (20) feet in width. Neighborhood development plans shall include landscaping plans for such outlots in accordance with Section 19.47.170 of the Municipal Code. A detailed landscaping and irrigation plan shall be reviewed for approval by the Director of Parks and Recreation prior to approval of the final plat. Such outlots shall be deeded to and maintained in perpetuity by the Homeowners' Association. Nothing in this Section shall be construed as precluding approved sidewalks, trails, subdivision signs, drainage swales or utilities in such outlots.

B. Perimeter fencing. The developer shall install a solid, six-foot-high perimeter fence or wall along all collector or arterial roadways adjacent to the development within the open space outlot required by the preceding Subsection. Perimeter fences shall be constructed of durable materials such as wood or vinyl pickets, stone, masonry or architectural block – chain link shall not be permitted for perimeter fencing – and such fences shall include columns or similar features, at least every sixty (60) feet. Breaks in perimeter fencing for pedestrian walkways are encouraged. Where a park or open space within the development adjoins a collector or arterial roadway, perimeter fencing shall not be required. Perimeter fences shall be maintained in perpetuity by the Homeowners' Association.

C. No more than fifty percent (50%) of the certificates of occupancy in any given phase shall be issued prior to perimeter open space landscaping and perimeter fencing being completed in such phase. The Director of Public Works may issue an extension for installation of landscaping due to weather unfavorable to planting; such extension not to exceed six (6) months.

D. All residential subdivisions shall provide ornamental street lighting, as approved by the Director of Public Works or designee.

E. Where it is necessary for the primary pedestrian route to cross an internal roadway, the pedestrian crossing shall be designed to emphasize and prioritize pedestrian access and safety. Such crossings shall be identified using pavement treatments, signals, lighting, traffic-calming techniques, median refuge areas and/or landscaping, along with signs and striping.

F. If existing oil and gas facilities are located within the proposed subdivision, such facilities shall be located on outlots encompassing the entire building setback, except where roads and/or rights-of-way are located within such building setbacks. The developer shall install landscaping and irrigation pursuant to Section 19.47.130 of the Municipal Code in such outlots, which shall be maintained by the developer or Homeowners' Association until such time such facilities are abandoned in accordance with Chapter 16.28 of the Municipal Code and the property is replatted for development.

G. A system of public concrete sidewalks ranging from five (5) feet to ten (10) feet wide and six (6) inches thick shall be provided to connect the site with off-site sidewalks and destinations as identified in the City's pedestrian and bicycle route maps in the Transportation Plan, as amended. In no event is the placement of a sidewalk or pedestrian pathway intended to displace existing landscaped areas or to duplicate existing pedestrian routes. (Ord. 346-05; Ord. 244-03; Ord. 160-02)

#### **18.31.060 Neighborhood identity features.**

The purpose of this Section is to provide an organizational framework or structure for the layout of new residential subdivisions. On a neighborhood-wide scale, residents will have easy access to at least one (1) central neighborhood identity feature or gathering place (i.e. neighborhood park or recreation center). Such neighborhood identity features lend a "sense of place" to a new subdivision, thereby encouraging people to connect with their physical surroundings and interact with their neighbors.

A. Neighborhood identity features shall be provided within all eligible single-family, two-family, multifamily and mixed use residential developments as shown in the Neighborhood Identity Feature Table below.

B. Identity features may include, but are not limited to, a school (as approved by the appropriate school district), pocket park, trail system, pedestrian plaza or courtyard, community building, community garden, artwork such as a sculpture, water feature or fountain, picnic/barbeque area, or playground. Fencing, signage and/or other aspects of a required perimeter treatment shall not be counted as an identity feature. In no event shall credit be given for items that are required by other provisions of the Municipal Code, such as parkland dedication requirements, landscaping or perimeter treatment. All identity features not dedicated to and accepted by the City shall be maintained in perpetuity by the Homeowners' Association.

C. Neighborhood Identity Feature Table. Where the number of acres and the number of dwelling units proposed in a development results in two (2) different numbers of required identity features, the larger number of required identity features shall be used.

**Neighborhood Identity Feature Table**

<i>Size of Residential Development (residential acreage, dwelling units)</i>	<i>Number of required features</i>
Under 5 acres or up to 20 dwelling units	None
5—10 acres or 21—50 dwelling units	One
11—50 acres or 51—150 dwelling units	Two
51—100 acres or 151—300 dwelling units	Three
Over 100 acres or over 301 dwelling units	Four

D. Credit shall be given for identity features as follows:

1. A system of trails, other than required public sidewalks, throughout the entire development shall count as one (1) identity feature. Trails should be designed to provide interesting and distinct areas for walking, bicycling and/or horseback riding in areas separate from and in addition to traditional sidewalks. Trails shall be designed and constructed using one (1) of the following designs appropriate for the location as determined by the Public Works Director and Parks and Recreation Director or designee:

- a. Ten-foot wide concrete, concrete paver or brick, multi-modal trail;
  - b. Ten-foot wide crusher fines trail with collared edges intended for the preservation of wetland and natural riparian areas.
2. A pocket park or parks meeting all of the following criteria:
  - a. No pocket park shall be less than ten thousand (10,000) square feet.
  - b. The developer shall landscape the pocket park with groundcover and one (1) tree and five (5) shrubs per three thousand (3,000) square feet of area, which can be grouped or dispersed throughout the park, and install an irrigation system. Such landscaping shall meet the requirements of Chapter 19.47, Landscaping, of the Municipal Code.
  - c. If the combined area of all pocket parks is between one-half (½) acre (twenty-one thousand, seven hundred eighty [21,780] square feet) and one (1) acre, it shall count as one-half (½) an identity feature. If the area is greater than one (1) acre, it shall count as one (1) identity feature.
3. A water feature, fountain or artwork such as a sculpture, shall each count as one-half (½) identity feature.
4. Playgrounds with commercial-grade equipment, picnic/barbeque areas with commercial-grade equipment, or court games (tennis, volleyball or basketball) at least one thousand (1,000) square feet in area shall each count as one (1) identity feature. Such features shall be reviewed and approved by the Parks and Recreation Director.
5. Plazas, courtyards or community gardens with irrigation systems and collars to define garden edges, which cover at least one thousand (1,000) square feet in area, shall each count as one (1) identity feature.
6. A community building at least two thousand (2,000) square feet in area shall count as two (2) identity features. An in-the-ground swimming pool site or splash park site at least two thousand (2,000) square feet in area shall count as two (2) identity features. This identity feature does not meet the City of Evans design standards and therefore cannot be dedicated to the City, unless reviewed, approved and constructed in accordance with the Parks and Recreation Department's regulations. If not City-owned, these facilities shall be maintained in perpetuity by the Homeowners' Association.
7. Other features may be considered credit toward meeting the identity feature requirement, subject to approval by the City Council after a recommendation from the Planning Commission.
8. All neighborhood identity features not dedicated or not eligible for dedication to the City shall be considered common area and shall be maintained in perpetuity by the Homeowner's Association, unless otherwise stated herein. (Ord. 346-05; Ord. 244-03; Ord. 106-02)

#### **18.31.070 Variety of lot sizes.**

All subdivisions or portions of subdivisions zoned R-1 or R-2 and containing twenty (20) or more residential lots shall provide a mixture of residential lot sizes in order to avoid monotonous streetscapes. Larger and wider lots are encouraged on corner lots, while smaller lots are encouraged adjacent to parks

and open spaces. For the purpose of the following provisions, tracts, outlots and areas intended for parks, open space, future replatting or streets shall not be included.

A. No more than thirty percent (30%) of all single-family and two-family lots of less than thirteen thousand (13,000) square feet within the subject subdivision shall have lot areas that are within five hundred (500) square feet of each other. At least five percent (5%) of all lots within the subject subdivision shall be greater than thirteen thousand (13,000) square feet. Where adjoining two-family units are on separate lots, the sum of the area of the two (2) lots shall be used for the purpose of determining compliance with this Section.

B. The neighborhood development plan (NDP) shall include a lot statistics table, similar to the one depicted below, and shall list the number and percentage of single-family and two-family lots in each five-hundred-square-foot range between six thousand (6,000) and thirteen thousand (13,000) or greater.

**Lot Statistics Table**

<i>Lot range (square feet)</i>		<i>Number of lots</i>	<i>Percent of lots</i>
<i>From</i>	<i>To</i>		
6,000	6,500		Not more than 30% for any one range.
6,501	7,000		
7,001	7,500		
7,501	8,000		
8,001	8,500		
8,501	9,000		
9,001	9,500		
9,501	10,000		
10,001	10,500		
10,501	11,000		
11,001	11,500		
11,501	12,000		
12,001	12,500		
12,501	13,000		
>13,000			5% minimum
Total			

(Ord. 346-05)

#### **18.31.080 Neighborhood development review procedure.**

A. Neighborhood development plan required. The neighborhood development plan (NDP) is a conceptual master plan intended to accomplish the goals of integrated master planning, connectivity between major developments, creation of park and open space networks across neighborhood boundaries, creation of neighborhood features and centers, provision of adequate utilities and high levels of residential design quality. NDP approval shall be required for all multifamily developments that contain more than twenty (20) units, whether or not on separate lots, and all subdivisions that contain more than twenty (20)

single-family and/or ten (10) two-family lots or that contain more than five (5) acres. The requirements of this Chapter shall not be circumvented by successive replats of twenty (20) or fewer lots/units.

B. Submittal timing. An NDP shall be submitted concurrently with or prior to the final plat submittal, except for multifamily development, for which an NDP may be submitted after final plat approval. No building permits shall be issued for property that has not received NDP approval, unless such approval is not required by the provisions of this Chapter. Review of an NDP by the Planning Commission and approval by the City Council shall be required prior to recordation of the final plat of the subject subdivision. The NDP shall be recorded concurrently with or prior to the final plat at the Weld County Clerk and Recorder's office.

C. Submittal requirements.

1. Application requirements. An NDP application shall contain at least five (5) color copies of the proposed development map, on twenty-four (24) by thirty-six (36) inch paper, at a minimum scale of one (1) inch equals one hundred (100) feet and containing the following information:

- a. Name of subdivision.
- b. North arrow, date and graphic scale.
- c. Name, address and phone number of developer and owner.
- d. Name, address and phone number of engineer or designer responsible.
- e. Vicinity map.
- f. Existing and proposed street names.
- g. Dimensions of all lots to nearest foot, which may be scaled values.
- h. Lots and blocks numbered consecutively.
- i. Lot statistics table.
- j. Total acreage of the subdivision.
- k. Location and specifications of each neighborhood identity feature.
- l. Signature blocks:

(1) Owner/developer:

This neighborhood development plan has been submitted by me to the City of Evans for its approval. I understand that I am required to install the features shown on this plan and failure to do so may result in the City's refusal to issue building permits in this subdivision.

\_\_\_\_\_

(2) Notarial Certificate:

State of \_\_\_\_\_)

County of \_\_\_\_\_) ss

The foregoing was acknowledged before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.

My commission expires \_\_\_\_\_.

Witness My Hand and Seal

\_\_\_\_\_

Notary Public

(3) Planning Commission Certificate:

This Neighborhood Development Plan is hereby approved by the Evans Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.

\_\_\_\_\_

Chairman

(4) City Council Certificate:

This Neighborhood Development Plan is hereby approved by the Evans City Council this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.

\_\_\_\_\_

Mayor

Attest: \_\_\_\_\_

City Clerk

2. Each NDP shall contain the following elements unless the Director of Public Works determines that one (1) or more of the elements are unnecessary because all planning issues concerning the internal organization of the development and the relationship of the development to surrounding areas can be resolved through either subsequent subdivision or development review for the development.

a. Land analysis element that identifies:

(1) Natural or manmade features and amenities such as streams, irrigation ditches, significant views, stands of mature trees, historic or archeological sites or areas, agricultural outbuildings and actual and potential wildlife habitat (as identified by the Colorado Division of Wildlife) on the site and within one hundred fifty (150) feet.

(2) Land uses, existing or approved by the City, located within one-half (½) mile of the boundaries of the subject property, including oil and gas mining facilities.

b. Location and provision of neighborhood features that will serve as focal points for the community, and identification of any design themes for the proposed neighborhood feature such as common architectural themes, landscaping themes, general materials and general styles.

c. General organization of land uses and densities, including the placement of neighborhood features and activity centers. An NDP may include identification of general locations of conditional uses if the applicant chooses, but approval of an NDP shall not constitute approval of specific conditional uses.

d. General auto, pedestrian circulation and trails network that complies with this Chapter, the Evans' subdivision regulations, as amended, and applicable City road standards and specifications.

e. General park and open space network that complies with these design standards, the Evans' subdivision regulations, as amended, and the parks, recreation and trails master plan.

D. Review criteria. The City Council shall review an NDP and shall take final action to approve, approve with conditions or deny the NDP based on its compliance with the following criteria:

1. The NDP is consistent with the Comprehensive Plan and with all other duly adopted plans and policies;

2. The NDP complies with all applicable zoning district, development and subdivision regulations; and

3. The NDP complies with this Chapter.

E. Staff review for compliance.

1. In the staff report compiled for the Planning Commission and City Council, the Director of Public Works shall include a written finding regarding the application's compliance or noncompliance with this Chapter.

2. The documents shall be submitted to the Public Works Department/Planning Division not less than two (2) weeks prior to the Planning Commission meeting. Neighborhood development plan submittals shall be accompanied at the time of filing by a fee as established by City Council by resolution.

F. Additional review criteria.

1. Preliminary subdivision plats. In addition to the review criteria set forth in Chapter 18.20 of the Municipal Code, as amended, the Planning Commission and City Council shall review all applications for preliminary subdivision plats for compliance with the following criteria:

a. The plat complies with the terms and conditions of any previously approved neighborhood development plan;

b. The plat complies with the residential site planning and site design standards and the mix of residential lot dimensions standards set forth in this Chapter; and

c. The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision.

d. The Planning Commission and City Council shall deny a preliminary subdivision plat that does not evidence such compliance, unless the applicant has made a successful



application for a variance from this Chapter pursuant to Section 18.31.090, Variances, below, or pursuant to waivers or exceptions contained in an approved PUD plan.

2. Final subdivision plats. In addition to the review criteria set forth in Chapter 18.24 of the Municipal Code, as amended, the Planning Commission and City Council shall review all applications for final subdivision plats for compliance with the following criteria:

a. The plat complies with the terms and conditions of any previously approved neighborhood development plan and/or a preliminary subdivision plat;

b. The plat complies with this Chapter, including, without limitation, standards requiring a mix of lot sizes; and

c. The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision, or has provided measures to substantially mitigate any inadequacies.

d. The Planning Commission shall not recommend approval nor shall the City Council approve a final subdivision plat that does not evidence compliance with this Chapter, unless the applicant has made a successful application for a variance pursuant to Section 18.31.090 below, or pursuant to waivers or exceptions contained in an approved PUD plan. (Ord. 346-05)

#### **18.31.090 Variances.**

A. Application for variance or modification of these standards shall be submitted to the Planning Commission. Such application shall include a statement setting forth the nature and extent of the requested variances or modifications, together with evidence supporting the need for such variance.

B. Where the Planning Commission and the City Council find that extraordinary hardships may result from strict compliance with these regulations, they may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variance is based on a finding that unusual topography or other exceptional conditions not caused by the applicant make such variance necessary, and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.

C. In granting variances and modifications, the Planning Commission and the City Council may require such conditions as will, in their judgment, secure substantially the objectives of these standards so varied or modified. (Ord. 346-05; Ord. 244-03; Ord. 160-02)

#### **18.31.100 Enforcement.**

A. The Director of Public Works is authorized and directed to administer and enforce all the provisions of this Chapter.

B. Any violation of these residential neighborhood design standards shall be a violation of this Code, as amended, and shall be subject to all the enforcement provisions of these regulations. Without limiting the generality of the previous sentence, these standards may be enforced by withholding building permits or certificates of occupancy, suspending or revoking building permits previously granted, or issuing stop-work orders effective until violations of these standards have been corrected. (Ord. 346-05; Ord. 244-03; Ord. 160-02)

**18.31.110 Violation – penalty.**

Any person who violates any of the provisions of this Chapter is guilty of a violation of this Chapter and shall be punished as provided in Section 1.16.010 of the Municipal Code. (Ord. 346-05; Ord. 244-03; Ord. 160-02)